



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,773	12/30/2003	Willard M. Wiseman	42P17259	8213
8791 7590 06/20/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
TURCHEN, JAMES R				
ART UNIT		PAPER NUMBER		
2139				
MAIL DATE		DELIVERY MODE		
06/20/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/748,773

**Applicant(s)**

WISEMAN ET AL.

**Examiner**

JAMES TURCHEN

**Art Unit**

2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-28 are pending.

#### ***Response to Arguments***

Applicant's arguments filed 03/21/2008 have been fully considered but they are not persuasive.

Examiner apologizes for the oversight of not including the reference on the Notice of References Cited sheet. Attached is a Notice of References Cited sheet with the included TPM reference as well as a copy of the reference.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trusted Platform Module – White Paper hereafter TPM in view of Applied Cryptography and TCG Main Specification Version 1.1a hereafter TCG.

Regarding claims 1, 8, 13, 16, 23 and 26:

TPM discloses a method comprising:

requesting a service for a platform from a service provider [page 15, *Outlook requests a service from Verisign; examiner notes that it would have been obvious by one of ordinary skill in the art at the time of invention that the service provided by Verisign could have been any other service that was well known at the time (VPN, web, email, etc.)*];

receiving a service key request for the service from the service provider [page 15, *the figure shows Verisign uses TPM CSP to talk to TPM hardware, after which, the TPM generates a new key pair; it is inherent that Verisign sent a key request to the TPM*];

generating a public key pair and returning a public key of the key pair to the service provider [TPM generates a new key pair and sends the public key pair to Verisign];

certifying the use of the service for the platform [by using the public key of the platform, one is certifying the service for the platform will be run on that platform];

TPM discloses binding secret data to a platform [page 13], but does not disclose the public key (service key) being bound to one or more configurations of the platform or exchanging a session key.

TCG discloses a TPM\_Seal command [page 151] that stores a secret key to a configuration of the platform configuration registers. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of TPM to allow the TPM\_Seal command to store the secret key to a configuration so the key can only

be used when the platform is in that configuration [TCG, page 151]. TCG and TPM do not disclose an exchanging of a session key. Applied Cryptography discloses a hybrid cryptosystem that is used to exchange a session key by using public key cryptography [page 32-33]. It would have been obvious to modify the method of TPM and TCG to allow for a session key exchange using the public key that is bound to a configuration of the platform, thus the session key would only be usable by a platform that could decrypt the session key so the service would be limited to that configuration.

Regarding claims 2-5, 9, 10 and 17-20:

TPM discloses the use of attestation identity key certificates [page 15], but does not disclose obtaining an identifying credential, identifying credential is obtained from a trusted third party, or wherein the identifying credential is obtained through a transaction with the service provider. Examiner takes official notice that certificates were well known in the art to provide attestation to an identity of user/device and are often attested to by a trusted third party (Certificate Authority). It would have been obvious to allow the service provider to provide the identifying credential as it would have yielded predictable results to one of ordinary skill at the time of the invention.

Regarding claims 6, 11, 14, 21, 24 and 27:

TPM, TCG, and Applied Cryptography disclose the method of claim 1, wherein certifying the use of the service includes a process selected from the group of producing hash data relating to the one or more acceptable configurations; and confirming that a chosen configuration is included in a set of values representing the one or more acceptable configurations [TCG page 151, it is inherent that the TPM\_Seal command

*saves the configuration of registers; proof of the platform configuration occurs when the UNSEAL operation succeeds].*

Regarding claims 7, 12, 15, 22, 25 and 28:

TPM, TCG, and Applied Cryptography disclose the method claim 1, wherein the service key is limited to platform configuration register values that represent the one or more acceptable platform configurations [TPM page 13, while binding secret data to the platform, the TPM merges the data together with the values contained in one or more PCR registers and then encrypts the combination as a whole. At a later time, when the secret data needs to be accessed, the values of the necessary platform configurations are calculated and the data is released for use only if the stored values match; decrypting with the sealed key is confirmation that the platform was in a given configuration].

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2139

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES TURCHEN whose telephone number is (571)270-1378. The examiner can normally be reached on MTWRF 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571)272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRT

/Kristine Kincaid/  
Supervisory Patent Examiner, Art Unit 2139